

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

JAMEL BARNES,
Plaintiff,

v.

Case No. 11-C-0435

ROM ISAVIGAN,
Defendant.

ORDER

Plaintiff filed this case on May 5, 2011. Pursuant to Fed. R. Civ. P. 4(m), plaintiff had 120 days from filing within which to complete service of the summons and complaint upon the defendant. On February 13, 2012, I noticed that plaintiff had not filed proof of service on the defendant, and I warned him that unless proof of service was filed within 21 days I would dismiss the case without prejudice. On February 16, 2012, plaintiff filed an unexecuted waiver-of-service form. Such form is not proof of service, and plaintiff's having filed it reveals that he did not complete service within 120 days. Therefore, Rule 4(m) requires me to either dismiss this case without prejudice or direct that service be made within a specified time. On the present record, I see no reason to grant plaintiff additional time to complete service. However, I will give plaintiff an opportunity to show cause why this case should not be dismissed for failure to complete service within the prescribed time.

THEREFORE IT IS ORDERED that plaintiff is ordered to file, within 21 days of the date of this order, a memorandum showing cause why this case should not be dismissed without prejudice for failure to complete service.

Dated this 9th day of March 2012.

s/_____
LYNN ADELMAN
District Judge